

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RALPH STAINO, JR., #05226-069,

Petitioner,

v.

CASE NO. 04-CV-73577-DT  
HONORABLE ARTHUR J. TARNOW

F.A. BIERSCHBACH,

Respondent.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

This matter is before the Court on Petitioner's motion for reconsideration concerning this Court's transfer of his habeas petition to the United States District Court for the Eastern District of North Carolina. Petitioner, a federal prisoner confined at the Federal Medical Center in Butner, North Carolina, challenged his loss of good time credits arising from a disciplinary proceeding which occurred while he was confined at the Federal Correctional Institution in Milan, Michigan in 2002. Petitioner filed his habeas petition pursuant to 28 U.S.C. § 2241.

Having reviewed the matter, the Court finds no reason to reconsider its decision to transfer the case to the United States District Court for the Eastern District of North Carolina. Even if the Court mis-identified the warden of the Federal Medical Center in Butner, North Carolina in its order, the Court properly transferred the matter to the United

States District Court for the Eastern District of North Carolina. A petition for a writ of habeas corpus under 28 U.S.C. § 2241 must be filed in the district having jurisdiction over the petitioner's custodian. *See Braden v. 30<sup>th</sup> Judicial Cir. Ct.*, 410 U.S. 484, 499-500 (1973); *In re Hanserd*, 123 F.3d 922, 925 (6<sup>th</sup> Cir. 1997); *Cohen v. United States*, 593 F.2d 766, 770 (6<sup>th</sup> Cir. 1979). The Federal Medical Center in Butner is located within the jurisdiction of the United States District Court for the Eastern District of North Carolina. *See* 28 U.S.C. § 113(a). Consequently, this Court does not have jurisdiction to hear Petitioner's claims under 28 U.S.C. § 2241. Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3).

Accordingly,

**IT IS ORDERED** that Petitioner's motion for reconsideration is denied.

s/Arthur J. Tarnow  
Arthur J. Tarnow  
United States District Judge

Dated: August 26, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 26, 2005, by electronic and/or ordinary mail.

s/Catherine A. Pickles  
Case Manager